

EPA PFAS ENFORCEMENT ACTIVITY

BACKGROUND:

- In 2002, 2006, 2009, and 2017, EPA issued Safe Drinking Water Act § 1431 Consent Orders to DuPont (and in the 2017, also to Chemours) requiring the provision of alternative water supplies for public and private water systems in the vicinity of the Washington Works, WV facility for PFOA contamination.
- In 2005, EPA entered into an administrative settlement with DuPont resolving violations related to PFOA under TSCA and RCRA at its WV facility.
- In 2009, EPA issued a TSCA section 5(e) Consent Order to DuPont requiring 99% capture of GenX releases. EPA is monitoring Chemours' compliance with that order.
- In 2011, EPA and the RACER Trust signed a RCRA section 3008(h) Administrative Order on Consent for corrective action at the former General Motors manufacturing complex known as Buick City in Flint Michigan. That corrective action includes addressing PFAS contaminants.
- In 2018, at EPA's request, Chemours began sampling numerous private wells and Public Water Systems (PWSs) for GenX chemicals.
- On February 14, 2019, EPA sent a Notice of Violation to Chemours outlining violations of TSCA at the Fayetteville facility in NC, and the Washington Works facility in Parkersburg, WV.
- EPA issued three Safe Drinking Water Act § 1431 imminent and substantial endangerment orders to Federal agencies for PFOA and/or PFOS above the Preliminary Health Advisory in drinking water (these are also NPL sites):
 - Naval Air Warfare Center, Warminster, PA (2014)
 - Horsham Air Guard Station/Willow Grove (PA) (2015)
 - Pease Air Force Base, NH (2015)
- EPA is overseeing PFAS response actions by federal agencies at NPL sites.
 - For example, in the Town of Ayer, Massachusetts, the Army has provided a treatment system for well water threatened by a PFAS plume emanating from the former base.
- EPA also has provided assistance to states with their PFAS actions. Examples include:
 - Wolverine (MI) – The EPA is overseeing a federal CERCLA time-critical removal action and providing technical assistance to MDEQ while MDEQ responds to PFAS contamination of residential wells from the Wolverine World Wide (Wolverine) Tannery and House Street Disposal Site.
 - Chemours (NC) – At the request of the NC DEQ, in 2017 and 2018, EPA provided significant laboratory assistance to support the State's investigation of GenX in the Cape Fear River, which resulted in a state enforcement action and February 2019 settlement.
 - Hoosick Falls (NY) – EPA added this site to the Superfund NPL in July 2017. EPA is supporting NYSDEC at this site.
 - Cannon and Holloman Air Force Bases (NM) – EPA has worked with NMED to provide technical and other expert assistance to provide protection of public health and the environment relating to PFAS contamination near Cannon and Holloman Air Force Bases, including evaluating site conditions, identifying data gaps, and performing modeling in areas of suspected contamination.

- Former Fort Devens (MA) - EPA assisted the state of Massachusetts and the towns of Ayer and Devens in getting the Army to agree to conduct a removal action for PFAS contamination from the former Fort Devens Superfund site.
- **However, EPA cannot take or join a state in a judicial action against another federal agency.**

TALKING POINTS:

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Ex. 5 Deliberative Process (DP)